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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,116	06/26/2003	Brent A Anderson	BUR920030031US1	1115
23550	7590	05/27/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			GARCIA, JOANNIE A	
3 E-COMM SQUARE			ART UNIT	
ALBANY, NY 12207			PAPER NUMBER	
			2823	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,116

Applicant(s)

ANDERSON ET AL.

Examiner

Joannie A. García

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(RM)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,7-10 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06-26-03,07-21-03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

Applicant's election with traverse of claims 1-10, and 16-20, in the reply filed on 04-01-05 is acknowledged. The traversal is on the ground(s) that the searches are the same, and because of issues related to compact prosecution and public interest. This is not found persuasive because valid reasons for restriction have been stated and applicant does not address these reasons for restriction.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-10, 17, and 19, are objected to because of the following informalities:

In claim 1, line 9, "crystallinity" should be preceded by --a--.

Claims 2, 3, and 8, recite the limitation "step b)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 4 and 5, recite the limitation "step C)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In claim 17, line 7, "contact" after "polycrystalline layer", should be replaced with --contacts--.

Claim 19 recites the limitation "insulating layer" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6, 16, and 17, are rejected under 35 U.S.C. 102(e) as being anticipated by Lowrey et al (U.S. Patent 5,328,810).

Lowrey et al discloses forming a non-monocrystalline mandrel 21 on a monocrystalline base structure 12 (Figure 7, Column 5, lines 62-65, and Column 6, lines 49-51), forming a conformal polycrystalline semiconductor layer 72 on at least one sidewall of the mandrel, the polycrystalline layer contacting the monocrystalline base structure temperature deposited comprising depositing a polycrystalline semiconductor layer 72 on the base structure and the mandrel (Figure 7, Column 6, lines 49-60, and Column 7, lines 35-47), selectively removing a portion of the polycrystalline semiconductor layer, wherein a remaining portion of the polycrystalline layer contacts at least one sidewall of the mandrel and the base structure (Figure 7, Column 6, lines 49-60, and Column 7, lines 35-47), removing the mandrel (Figure 11), recrystallizing the polycrystalline semiconductor layer to have a crystallinity substantially similar to that of the base structure (Column 7, lines 29-47), forming a gate structure on the semiconductor layer (Column 7, lines 64-68), forming an insulating layer 91 (Figure 9, Column 6, lines 67-68, and Column 7, lines 1-2), and further comprising removing the mandrel 21 (Figure 11, Column 7, lines 14-20), and recrystallizing the polycrystalline semiconductor layer through heating (Column 7, lines 29-47).

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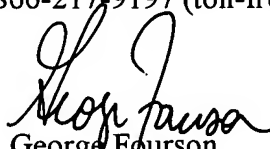
Claims 3, 5, 7-10, and 19, would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joannie Garcia whose telephone number is (571) 272-1861. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (571) 272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George Fourson  
Primary Examiner  
Art Unit 2823

  
JAG

May 20, 2005

GFourson  
Primary Examiner